

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

IN RE:

CASE NO 3:15-BK-01085-JAF

**JERRY L RUSSELL *and*
LYNN M RUSSELL**

CHAPTER 11

DEBTOR(S).

**MOTION FOR *IN REM* RELIEF FROM
AUTOMATIC STAY OR, IN THE ALTERNATIVE, ADEQUATE PROTECTION
PAYMENTS**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust (“Movant”), by and through its undersigned counsel, and moves for relief from the automatic stay, pursuant to 11 USC §362(d). In support thereof, Movant states:

1. On March 13, 2015 the Debtor filed for relief under Chapter 11 of the United States Bankruptcy Code.
2. Jurisdiction in this cause is granted to the Court, pursuant to 28 U.S.C. §1334, 11 U.S.C. §362 and all other applicable rules and statutes affecting the jurisdiction of the Court generally.
3. On September 1, 2006, Jerry L Russell executed and delivered a promissory note and mortgage securing payment of the note to Washington Mutual Bank, FA. True and correct copies of the mortgage and note are attached as Composite Exhibit “A.”
4. The mortgage secures the following real property located in Nassau County, Florida:

Lot 5, Block 27, Askins Ocean City Beach, according to the plat thereof as recorded in Plat Book “O”, Page 51 of the public records of Nassau County, Florida.

***aka*: 912 S Fletcher Ave, Fernandina Beach, Florida 32034 (the “Subject Property”)**

5. According to Debtor’s Schedule C, the property is not claimed as exempt.

6. Debtor is in default. The contractual due date is **March 1, 2009**, and as of December 28, 2015, the unpaid principal balance due as is in the amount of **\$605,220.94**. The Affidavit in Support of the Motion for Relief from Stay is attached as Composite Exhibit "A."

7. The value of the collateral pursuant to Schedule D is **\$416,214.00**.

8. The value of the above collateral is insufficient to provide adequate protection to Movant. It would be inequitable to permit the Debtor to retain the collateral, as there is no equity in the collateral and it is not necessary for an effective reorganization.

9. Movant is not receiving any payments from Debtor to protect against the erosion of its collateral position, and if Movant is not permitted to enforce its security interest in the collateral or provided with adequate protection, it will suffer irreparable injury, loss and damage.

10. Once the stay is terminated, Debtor will have minimal motivation to insure, preserve, or protect the collateral. Therefore, Movant requests that the Court waive the 14-day stay imposed by Fed. R. Bankr. P. 4001(a)(3).

11. Movant requests this Court to allow future communication with the Debtor in order to offer and provide information regarding loss mitigation options, including, but not limited to, forbearance, loan modification, refinance, and deed in lieu of foreclosure. Movant acknowledges that such communications shall be limited, and it shall not enforce or threaten to enforce any personal liability against the Debtor that is discharged in this bankruptcy.

Adequate Protection Pursuant to §361

12. Movant reaffirms by reference all of the above allegations as if fully contained herein.

13. The Debtor has not filed a Chapter 11 Plan of reorganization as yet; and as such, Movant is unaware of the Debtor's intentions as to the Subject Property.

14. *Should* the Debtor manifest an intent to utilize the Subject Property in this Chapter 11 proceeding; Movant, pursuant to §361 of the Bankruptcy Code, demands adequate protection payments, pending final resolution of the Movant's claim.

WHEREFORE, U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust respectfully requests the Court enter an order:

- a. terminating the automatic stay;
- b. permitting Movant to take any and all steps necessary to exercise any and all rights it may have in the collateral described herein;

- c. allowing Movant to gain possession of said collateral; and
- d. waiving the 14-day stay under Fed. R. Bankr. P. 4001(a)(3), *or*
- e. providing adequate protection payments to the Movant; and
- f. granting such further relief as the Court deems just and appropriate

Dated: January 28, 2016

/s/ Jeffrey S. Fraser, Esq.

Jeffrey S. Fraser

Albertelli Law

Florida Bar No.: 0085894

(Space left blank intentionally)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was provided via electronic and/or Regular U.S. Mail to the parties listed on the attached service list, this 28th day of January, 2016.

Jeffrey S. Fraser, Esq.
Albertelli Law
Attorney for Secured Creditor
PO Box 23028
Tampa, FL 33623
Telephone: (813) 221-4743ext. 2499
Facsimile: (813) 221-9171
Bkfl@albertellilaw.com

By: /s/ Jeffrey S. Fraser, Esq.
Jeffrey S. Fraser
Florida Bar No.: 0085894

SERVICE LIST

Jerry L Russell
Lynn M Russell
95078 Poplar Way
Fernandina Beach, FL 32034

Thomas C Adam
Mearkle Trueblood Adam, PL
218 N. Broad Street
Jacksonville, FL 32202

U.S. Trustee
United States Trustee - JAX 11
Office of the United States Trustee
George C Young Federal Building
400 West Washington Street, Suite 1100
Orlando, FL 32801

Scott Bomkamp
United States Trustee
400 W. Washington Street
Suite 1100
Orlando, FL 32801

Jill E Kelso
United States Trustee
400 W. Washington Street
Suite 1100
Orlando, FL 32801

Mailing Matrix List

Label Matrix for local noticing
113A-3
Case 3:15-bk-01085-JAF
Middle District of Florida
Jacksonville
Thu Jan 28 15:56:16 EST 2016

Jerry L Russell
95078 Poplar Way
Fernandina Beach, FL 32034-1169

Synovus Bank
Burr & Forman, LLP
201 N. Franklin Street
Suite 3200
Tampa, FL 33602-5872

Ally Financial f/k/a GMAC
PO Box 130424
Roseville, MN 55113-0004

Aqua Finance Inc.
P.O. Box 844
Wausau, WI 54402-0844

BSI Financial Services
7500 Old Georgetown Road, Suite 1350
Bethesda, MD 20814-6240
Phone # 1-866-581-4498

Caliber Home Loans, Inc.
PO Box 24330
Oklahoma City, Oklahoma 73124-0330

Cap1/berpl
90 Christiana Rd
New Castle, DE 19720-3118

Carrington Mortgage Se
1610 E Saint Andrew Place
Suite B150
Santa Ana, CA 92705-4931

Chase Card
Po Box 15298
Wilmington, DE 19850-5298

Christiana Trust, A Division of Wilmington S
Selene Finance LP
P.O. Box 71243
Philadelphia, PA 19176-6243

Lynn M Russell
95078 Poplar Way
Fernandina Beach, FL 32034-1169

Ventures Trust 2013-I-H-R by MCM Capital Par
BROCK & SCOTT, PLLC
c/o Frederic J. DiSpigna, Esq.
1501 NW 49th Street, Suite 200
Fort Lauderdale, FL 33309-3723

American Express
Po Box 3001
16 General Warren Blvd
Malvern, PA 19355-1245

Ar Resources Inc
1777 Sentry Pkwy W
Blue Bell, PA 19422-2206

(p)BANK OF AMERICA
PO BOX 982238
EL PASO TX 79998-2238

Calvary Portfolio Srvs
Attention: BK Depart.
500 Summit Lake Dr.
Suite 400
Valhalla, NY 10595-1340

Cap1/bstby
P.O. Box 5253
Carol Stream, IL 60197-5253

Chase
P.O. Box 24696
Columbus, OH 43224-0696

Christiana Trust, Div. Wilmington Sav. Fund
Tr. Normandy. Loan Trust, 2013-18
c/o Selene Finance
PO Box 71243
Philadelphia, PA 19176-6243

PPP II Pals Investments Trust c/o Statebridg
c/o Brad W. Hissing
P.O. Box 800
Tampa, FL 33601-0800

Lindsey A. Savastano
Brock & Scott, PLLC
1501 NW 49th Street
Suite 200
Fort Lauderdale, FL 33309-3723

Advanta Bank Corp
Po Box 31032
Tampa, FL 33631-3032

American Express Bank, FSB
c o Becket and Lee LLP
POB 3001
Malvern, PA 19355-0701

(p)BMW FINANCIAL SERVICES
CUSTOMER SERVICE CENTER
PO BOX 3608
DUBLIN OH 43016-0306

Bsi Financial Services
314 S Franklin St
Titusville, PA 16354-2168

Cap One
P.O. Box 15221
Wilmington, DE 19850-5221

Cap1/rhode
1405 Foulk Road
Wilmington, DE 19803-2769

Chase
Po Box 15298
Wilmington, DE 19850-5298

Chritiana Trust, A Division of Wilmington Sa
c/o Alexandra Kalam, Esq.
201 E. Pine Street, Suite 730
Orlando, FL 32801-2763

(p)CITIBANK
PO BOX 790034
ST LOUIS MO 63179-0034

Citizens St
505 Haines Ave
Waycross, GA 31501-2266

City Ntl Bk
Ocwen Loan Service
Attn: Bankruptcy
P.O. Box 24738
West Palm Beach, FL 33416-4738

Columbus Bank & Trust
Po Box 120
Columbus, GA 31902-0120

Credit Collections Svc
Po Box 773
Needham, MA 02494-0918

Discover Fin Svcs LLC
P.O. Box 15316
Wilmington, DE 19850-5316

Enhanced Recovery Corp
Attention: Client Services
8014 Bayberry Rd
Jacksonville, FL 32256-7412

First Coast Community
1900 S 14th St
Fernandina Beach, FL 32034-3034

First Federal Savings
P.O. Box 2029
Lake City, FL 32056-2029

Florida Dept. of Revenue
Bankruptcy Unit
P.O. Box 6668
Tallahassee, FL 32314-6668

G M A C
P O Box 380901
Bloomington, MN 55438-0901

GECRB/Dillards
Attn: Bankruptcy
P.O. Box 103104
Roswell, GA 30076-9104

GECRB/JC Penny
Attention: Bankruptcy
Po Box 103104
Roswell, GA 30076-9104

GECRB/PayPal Buyer Credit
Attn: Bankruptcy
P.O. Box 103104
Roswell, GA 30076-9104

GFB LLC
8705 SW Nimbus Avenue
Beaverton, OR 97008-4000

GMAC
P.O. Box 380901
Minneapolis, MN 55438-0901

Hsbc/bsbuy
95 Washington Street
Buffalo, NY 14203-3006

IndyMac Bank/OneWest Bank
Attn:Bankruptcy Department
2900 Esperanza Crossing
Austin, TX 78758-3658

Internal Revenue Service
PO Box 7346
Philadelphia, PA 19101-7346

LVNV Funding, LLC its successors and assigns
assignee of HSBC Receivables
Acquisition Corporation (USA) IV
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

Lca Services Inc
6602 Abercorn Stre
Savannah, GA 31405-5848

(p)TOYOTA MOTOR CREDIT CORPORATION
PO BOX 8026
CEDAR RAPIDS IA 52408-8026

Lvnv Funding Llc
Po Box 10497
Greenville, SC 29603-0497

Mcydsnb
9111 Duke Blvd
Mason, OH 45040-8999

Mg Credit
5115 San Juan Avenue
Jacksonville, FL 32210-3137

Midland Funding
8875 Aero Dr Ste 200
San Diego, CA 92123-2255

(p)NASSAU COUNTY TAX COLLECTOR
86130 LICENSE ROAD
STE 8
FERNANDINA BEACH FL 32034-3786

PNC Mortgage
3232 Nemark Drive
Miamisburg, OH 45342-5433

PRP II Pals Investments Trust
c/o Statebridge Company, LLC
5680 Greenwood Plaza Blvd Ste. 100-S
Greenwood Village, CO 80111-2404

(p)PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

Sears/cbna
Po Box 6282
Sioux Falls, SD 57117-6282

Sears/cbna
Po Box 6283
Sioux Falls, SD 57117-6283

Secretary of the Treasury
15th & Pennsylvania Ave., NW
Washington, DC 20220-0001

Selene Finance Lp
9990 Richmond Ave Ste 40
Houston, TX 77042-8500

(p)SPRINGLEAF FINANCIAL SERVICES
P O BOX 3251
EVANSVILLE IN 47731-3251

Suntrust Mortgage/cc 5
Attn: Bankruptcy Dept.
P.O. Box 85092
MC VA-WMRK-7952
Richmond, VA 23286-0001

Syncb/Rooms to Go
P.O. Box 965036
Orlando, FL 32896-5036

Syncb/Rooms to Go
c/o POB 965036
Orlando, FL 32896-0001

Syncb/belk
Po Box 965028
Orlando, FL 32896-5028

Synclowbrcp
P.O. Box 965005
Orlando, FL 32896-5005

Synchrony Bank
c/o Recovery Management Systems Corp
25 SE 2nd Ave Suite 1120
Miami FL 33131-1605

Synovus Bank
c/o Joseph T. King, Attorney for Synovus
201 N. Franklin Street, Suite 3200
Tampa, FL 33602-5872

Synovus Bank f/k/a First Coast Community Ban
c/o Joseph T. King, Esq.
P.O. Box 380
Tampa, FL 33601-0380

TD Auto Finance
PO BOX 16041
Lewiston, ME 04243-9523

Talbots
1 Talbot Drive
Hingham, MA 02043-1583

Thames Markey & Heekin, P.A.
50 North Laura Street
Suite 1600
Jacksonville, FL 32202-3614

Toyota Motor Credit Corporation
c o Becket and Lee LLP
POB 3001
Malvern, PA 19355-0701

U.S. Bank Trust, N.A.
c/o Jeffrey S. Fraser, Esq.
P.O. Box 23028
Tampa, FL 33623-2028

U.S. Securities & Exchange Commission
Office of Reorganization
950 East Paces Ferry Road, N.E.
Suite 900
Atlanta, GA 30326-1382

United States Attorney
300 North Hogan St Suite 700
Jacksonville, FL 32202-4204

Ventures Trust 2013-I-H-R
BROCK & SCOTT, PLLC
c/o Frederic J. DiSpigna, Esq.
1501 NW 49th Street, Suite 200
Fort Lauderdale, FL 33309-3723

Verizon
500 Technology Drive
Suite 550
Saint Charles, MO 63304-2225

World Omni F
P.O. Box 91614
Mobile, AL 36691-1614

Brad W. Hissing +
Kass Shuler Solomon Spector Foyle et al
PO Box 800
Tampa, FL 33601-0800

United States Trustee - JAX 11 +
Office of the United States Trustee
George C Young Federal Building
400 West Washington Street, Suite 1100
Orlando, FL 32801-2210

Jill E Kelso +
United States Trustee
400 W. Washington Street
Suite 1100
Orlando, FL 32801-2440

Joseph T King +
Williams Schifino Mangione & Steady PA
Post Office Box 380
Tampa, FL 33601-0380

Joseph B Battaglia +
Brock & Scott, PLLC
P.O. Box 25018
Tampa, FL 33622-5018

Scott Bomkamp +
United States Trustee
400 W. Washington Street
Suite 1100
Orlando, FL 32801-2440

Thomas C Adam +
Mearkle Trueblood Adam, PL
218 N. Broad Street
Jacksonville, FL 32202-4802

Jeffrey S Fraser +
 Albertelli Law
 Post Office Box 23028
 Tampa, FL 33623-2028

Shaina Druker +
 Brock and Scott, PLLC
 Post Office Box 25018
 Tampa, FL 33622-5018

Alexandra R Kalman +
 Lender Legal Services, LLC
 201 East Pine Street
 Suite 730
 Orlando, FL 32801-2763

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

BMW Financial Services
 Attn: Bankruptcy Dept.
 P.O. Box 3608
 Dublin, OH 43016

Bank of America
 P.O. Box 982235
 El Paso, TX 79998

Citibank USA
 Citicorp Credit Services
 Attn: Centralized Bankruptcy
 P.O. Box 20507
 Kansas City, MO 64195

(d)Citibank Usa
 Citicorp Credit Services
 Attn:Centralize
 Po Box 20507
 Kansas City, MO 64195

Lexus Financial Services
 Po Box 8026
 Cedar Rapids, IA 52409

Nassau County Tax Collector
 96135 Nassau Place
 Yulee FL 32097

Portfolio Recovery
 Attn: Bankruptcy
 Po Box 41067
 Norfolk, VA 23541

Springleaf Financial Svcs
 Attention: BK Depart
 Po Box 3251
 Evansville, IN 47731

(d)Springleaf Financial Svcs
 Attn: Bankruptcy Dept.
 P.O. Box 3251
 Evansville, IN 47731

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)William G. Haeberle

(u)U.S. Bank Trust, N.A., as Trustee for LSF9

(d)Chase
 Po Box 24696
 Columbus, OH 43224-0696

(d)Citizens St
 505 Haines Avenue
 Waycross, GA 31501-2266

(d)Discover Fin Svcs Llc
 Po Box 15316
 Wilmington, DE 19850-5316

End of Label Matrix
 Mailable recipients 92
 Bypassed recipients 5
 Total 97